

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr23

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

PERRY ROGER SHIPPY.)

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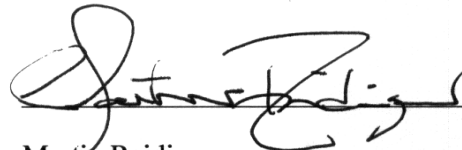
ORDER

THIS MATTER is before the Court on the Defendant's *pro se* Motion to Apply the 1 to 1 Ratio Based on Discriminatory Impact to African Americans [Doc. 209].

The Defendant was sentenced on August 27, 2009 and timely filed notice of appeal. [Doc. 193, Doc. 195]. The United States Court of Appeals for the Fourth Circuit has appointed counsel to represent the Defendant. [Doc. 198]. The Defendant may not make *pro se* filings while he is represented by counsel. In addition, the Defendant's case is on appeal in the Fourth Circuit. As a result, the pleading will be stricken from the record.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* Motion to Apply the 1 to 1 Ratio Based on Discriminatory Impact to African Americans [Doc. 209] is hereby **STRICKEN** from the record.

Signed: October 6, 2009


Martin Reidinger
United States District Judge

